

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**CHRISTOPHER GOLDEN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 5:08cv292-DCB-MTP**

**CHRISTOPHER EPPS, et al.**

**DEFENDANTS**

**ORDER**

This matter is before the court *sua sponte*, having come to its attention that Defendant Warden Jacquelyn Banks has apparently not been properly served with process and has not appeared in this action. On October 9, 2008, this court entered an Order [6] directing the clerk to issue a summons to Defendant Banks, and directing the U.S. Marshal to serve the same. The Process Receipt and Return filed on November 5, 2008 [9] indicates that process was sent by certified mail on October 27, 2008 to Warden Banks, and the Acknowledgement of Receipt of Summons and Complaint was signed for on October 31, 2008 by a “Sharonda Jackson,” an “Employee/Secretary” at WCCF. There is nothing of record establishing that Ms. Jackson is authorized to accept service of process on behalf of Warden Banks. Based on the foregoing, it does not appear that service has been properly made pursuant to Fed. R. Civ. P. 4(e).

IT IS, THEREFORE, ORDERED AND ADJUDGED that the United States District Clerk is hereby directed to re-issue a summons to the following Defendant:

Warden Jacquelyn Banks  
WCCF  
2999 Highway 61 North  
Woodville, Mississippi 39669

The Clerk is directed to attach a copy of this Order and the October 9, 2008 Order [6] to the Complaint [1], and the United States Marshal shall **personally** serve the same pursuant to 28 U.S.C. § 1915(d).

IT IS FURTHER ORDERED that Defendant shall file her answer or other responsive pleading in this cause in accordance with the Federal Rules of Civil Procedure and the Local Rules of this Court.

It is Plaintiff's responsibility to prosecute this case. Failure to advise this Court of a change of address or failure to comply with any order of this Court will be deemed a purposeful delay and contumacious act by Plaintiff and may result in dismissal of this case.

SO ORDERED on this, the 7th day of August, 2009.

s/ Michael T. Parker

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United States Magistrate Judge